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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,148	12/07/2005	Ulrich Bantle	VO-740	9460
42419 7590 03/18/2008 PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195			EXAMINER FULTON, KRISTINA ROSE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 03/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,148	Applicant(s) BANTLE, ULRICH	
	Examiner Kristina R. Fulton	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 11-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to the RCE filed 1/7/08. Claims 2-8 and 11-22 are pending. Claims 2 and 9-10 are cancelled.

Drawings

1. The drawings are objected to because the figures fail to adequately illustrate applicant's invention. The newly submitted figure one is clearer than the previously submitted figures but still fails to show the structure of the device and working parts. Please notice the drawings of the cited art, particularly exploded views and figures showing the different positions of the lock. Including such figures would help better distinguish the differences between applicants' invention and the prior art. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application

must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2-8, 11-16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meekma (US 73344443).

5. Regarding claim 22, Meekma shows a lock, comprising a lock housing (122); a bolt (62) arranged in the lock housing; a rotatable locking element (64) in the lock housing, wherein the bolt can be shifted between an opened position and a closed position by a rotation of the locking element; a handle (400; see figure 7d where 64 is in 400) connected to the locking element in the lock housing;

a blocking element (58) in the lock housing, wherein in the closed position the rotation of the locking element can be blocked by the blocking element; an electromagnet including an armature (44 and 56 would be replaced by an electromagnet and armature; see column 4, lines 33-35), wherein the blocking element is part of or coupled with the armature and can be actuated by the electromagnet; a shielding element (30) at least partially covering at least one of the armature or the electromagnet. Meekma shows applicants inventive concept but fails to disclose a shield made of low retentive magnetic material. It would have been obvious to one of ordinary skill in the art to make the shield of a low retentive magnetic material in order to avoid interference with the radio frequency transmission of the device as stated in column 3 lines 50-51. The shielding element of Meekma does not specifically state that it shields against external magnetic radiation but Meekma does disclose in column 3, lines 58-59, that is well known to shield against external conditions. This would include external magnetic radiation and therefor would have been an obvious modification to a worker skilled in the art.

6. Regarding claim 2, the housing has a connecting side on which the handle is arranged, and the shielding element is positioned between the at least one of the armature and the electromagnet and the connecting side (see illustration below).

7. Regarding claims 3 and 11, the housing is closed by a cover (70), and the cover supports the shielding element on a side of the cover facing the housing interior.

8. Regarding claims 4 and 12, although Meekma is silent to the material and thickness of the shield 30, it would have been obvious to one of ordinary skill in the art

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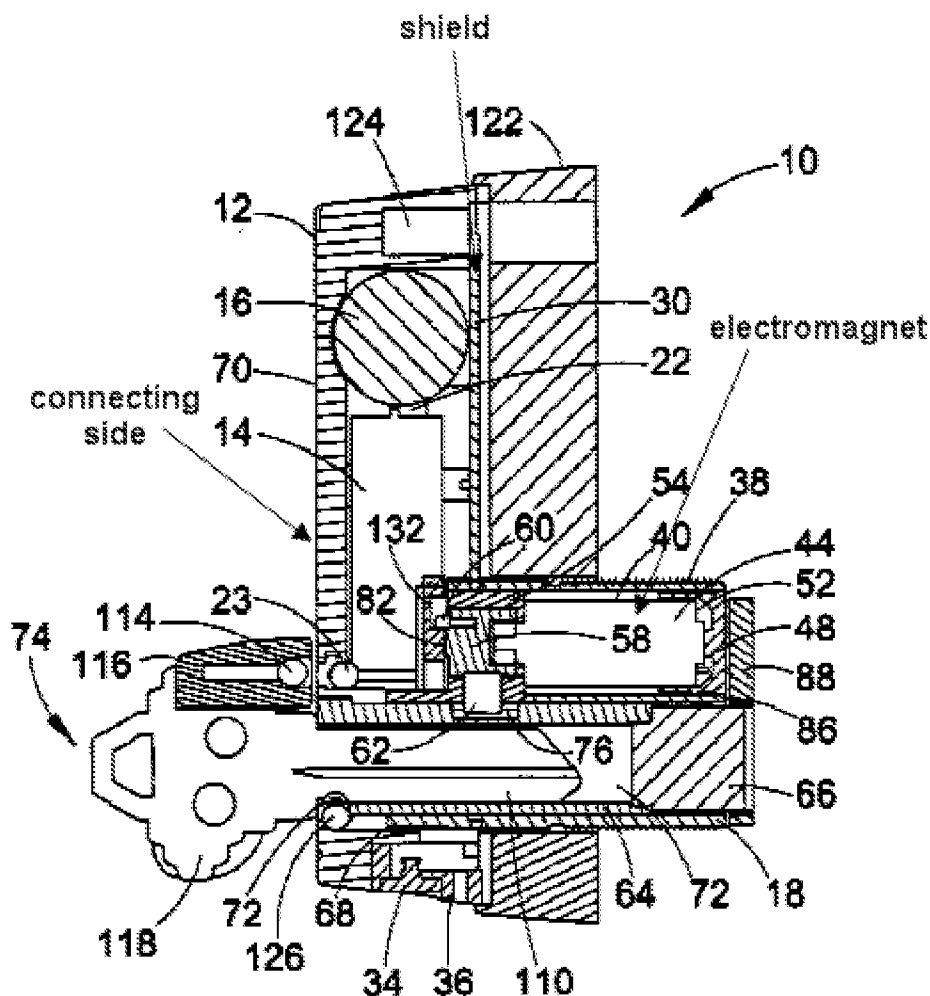
to form the shield from sheet metal at the claimed dimension since making the shield from sheet metal at 0.8mm would have yielded predictable results and does not effect the function of the device.

9. Regarding claims 5 and 13, a portion of the electromagnet is surrounded by a second shielding element (54).

10. Regarding claims 6 and 14, Meekma further comprises a contactless switch (column 5, line 15 "Reed switch") in the lock housing, wherein one of the armature and the blocking element supports a switching element (102) which actuates the contactless switch.

11. Regarding claims 7 and 15, wherein one of the armature and the blocking element has a permanent magnet (102) as the switching element by which a change of the switching state of the contactless switch which is a reed contact can be performed.

12. Regarding claims 8 and 16, wherein a permanent magnet (102) is assigned to an end of the armature that is opposite the locking element, which maintains the armature in an opening state, a magnetic force is applied to the armature by the electromagnet which acts counter to a force of the permanent magnet, and a spring (96) is assigned to the armature which in the open state applies a spring force acting in a closing direction to the armature (column 6, lines 33-37). See the Meekma device below.



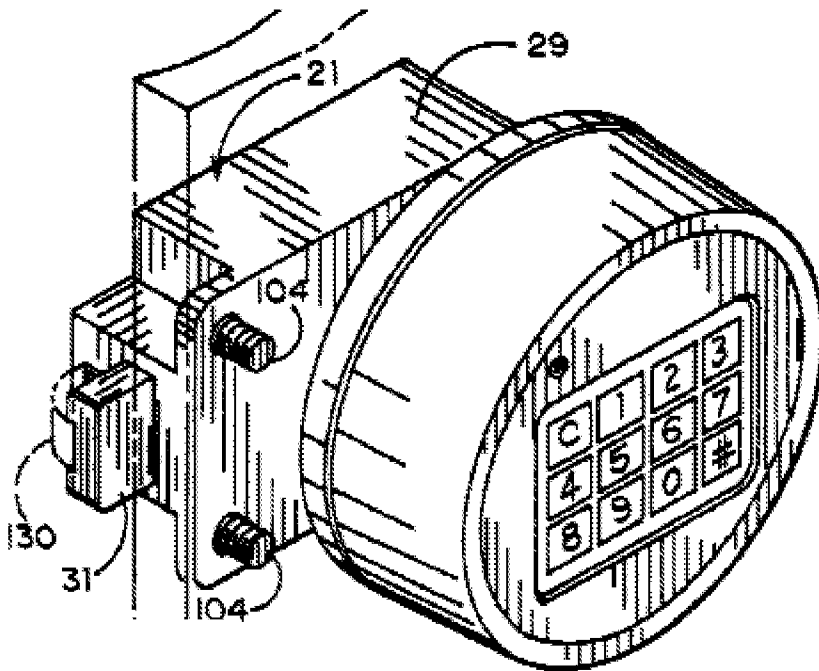
13. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meekma (US 73344443) in view of Maniaci (US 6098433).

14. Claims 17 and 19-21 are rejected by Meekma as applied to claim 22 above wherein Meekma shows a housing, bolt, handle, locking element, blocking element, electromagnet and armature. The Meekma device also shows a shielding element (54)

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positioned between the cover and electromagnet wherein the shield is at least partially around the electromagnet. As applied above, it would have been an obvious modification to make the shield from a low retentive magnetic material to shield from external magnetic radiation (see paragraph 5 above). Meekma shows applicants claimed device but fails to include a control device including a keypad. Maniaci shows that it is well known in the lock art to include a control keypad for controlling the locking mechanism. Meekma shows in column 6, lines 55-58 that it is well known to store data for controlling the lock mechanism. It would have been obvious to include a keypad on the Meekma device since it is well known in the lock art that replacing one control element with another (any key, key pad, button, sensor, etc) does not affect the function of the device since they are all functionally equivalent in controlling the lock. Including a keypad on the Meekma device instead of a key would have yielded predictable results.

15. Claim 18 is rejected by Meekma as applied to claim 8 above. See the Maniaci device below.



Response to Arguments

16. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina R. Fulton whose telephone number is 571-272-7376. The examiner can normally be reached on Monday-Friday, 7am-4:30pm, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/
Supervisory Patent Examiner, Art
Unit 3673

/K. R. F./
Examiner, Art Unit 3673
3/6/08